

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 8/18/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TYRIEK GIBSON,	:	
	:	
Plaintiff,	:	1:21-cv-04251-GHW
	:	
-against -	:	<u>ORDER</u>
	:	
THE STATE OF NEW YORK; THE	:	
DEPARTMENT OF CORRECTION;	:	
CAPTAIN ROBINSON; CAPTAIN	:	
REYES; C.O. LOPEZ; DEPARTMENT	:	
OF CORRECTION SUPERVISORS,	:	
	:	
Defendants.	:	
-----	X	
GREGORY H. WOODS, United States District Judge:		

On August 3, 2022, Magistrate Judge Moses issued a Report and Recommendation (“R&R”) recommending that the Court dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b). Dkt. No. 18 at 6. In that R&R, Magistrate Judge Moses determined that the action should be dismissed because of Plaintiff’s failure to prosecute this case and Plaintiff’s failure to comply with court orders. *See id.* at 1.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* FED. R. CIV. P. 72(b)(2). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).


No objection to the R&R was submitted within the fourteen-day window. The Court has reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS)

(GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.”). The Court, therefore, accepts and adopts the R&R in its entirety. For the reasons articulated in the R&R, this action is dismissed without prejudice.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and to close this case.

SO ORDERED.

Dated: August 18, 2022
New York, New York


GREGORY H. WOODS
United States District Judge